

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference GB4 2003006 PCT		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/FR2004/000137	International filing date (day/month/year) 22.01.2004	Priority date (day/month/year) 22.01.2003	
International Patent Classification (IPC) or national classification and IPC B65H 54/28, 67/048			
Applicant SAINT-GOBAIN VETROTEX FRANCE S.A.			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000137

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-11 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:
- nos. 1-11 _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/000137

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	6, 10, 11	YES
	Claims	1-5, 7-9	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents in the present notification:

D1: US 4 431 138 A (H. SCHIMINSKI) 14 February 1984 (1984-02-14)

D2: PATENT ABSTRACTS OF JAPAN vol. 1995, no. 02, 31 March 1995 (1995-03-31) -& JP 06 329437 A (SHIMADZU CORP; OTHERS: 01), 29 November 1994 (1994-11-29)

D3: US 5 526 995 A (H. WESTRICH) 18 June 1996 (1996-06-18)

D4: US 3 090 570 A (C. R. CUNNINGHAM ET AL) 21 May 1963 (1963-05-21)

D5: US 5 156 347 A (F. GAY II ET AL) 20 October 1992 (1992-10-20)

Preliminary observations

2. Independent claim 1 contains two alternative embodiments, 1A and 1B, namely:

2.1 Claim 1A

A winding machine essentially consisting of a

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frame which in turn comprises at least two spindles attached to a barrel, wherein said spindles are both suitable for supporting at least one cake and rotatable about a first axis substantially perpendicular to the diameter of the cake, and at least one positioning and guiding device for positioning and guiding at least one yarn over the rotating spindles, and said barrel is rotatably mounted relative to the frame about a third axis of rotation substantially parallel to the first axis, characterised in that the spindles are linearly movable along the first axis of rotation.

2.2 Claim 1B

A winding machine essentially consisting of a frame which in turn comprises at least two spindles attached to a barrel, wherein said spindles are both suitable for supporting at least one cake and rotatable about a first axis substantially perpendicular to the diameter of the cake, and at least one positioning and guiding device for positioning and guiding at least one yarn over the rotating spindles, and said barrel is rotatably mounted relative to the frame about a third axis of rotation substantially parallel to the first axis, characterised in that the frame co-operates with the barrel by means of an indexing device for controlling the position of said barrel relative to the frame.

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2.3	Dependent claims 10 and 11 are dependent only on alternative embodiment 1A.
2.4	Dependent claim 5 is dependent only on alternative embodiment 1B.
2.5	The remaining dependent claims 2 to 4 and 6 to 9 can refer to both alternative embodiments.
3.	INDEPENDENT CLAIM 1A
3.1	<p>The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1, 4 and 9 does not meet the requirement of novelty defined in PCT Article 33(2).</p> <p>Document D1 describes (the references between parentheses apply to this document):</p> <p>A winding machine essentially consisting of a frame (<i>implicit feature</i>) which in turn comprises at least two spindles (9.1, 9.2) attached to a barrel (18), wherein said spindles (9.1, 9.2) are both suitable for supporting at least one cake (8) and rotatable about a first axis substantially perpendicular to the diameter of the cake, and at least one positioning and guiding device (1) for positioning and guiding at least one yarn (6) over the rotating spindles (9.1, 9.2), said barrel (18) is rotatably mounted relative to the frame about a</p>

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third axis of rotation substantially parallel to the first axis, and said spindles are linearly movable (see figure 3) along the first axis of rotation (cf. claim 1A).

Furthermore, document D1 describes all of the features in claims 4 and 9.

3.2 Claims 2, 3, 6 to 8, 10 and 11 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of novelty and inventive step of the PCT (PCT Article 33(2) and (3)), for the following reasons:

- The features in claims 2 and 3 are generally known in the field of positioning and guiding devices (see, e.g., D4 or D5). Moreover, these features solve a problem that is not directly related to the invention.
- The features in claims 7 to 9 are generally known in the field of automatic winding machines (see, e.g., document D2). Moreover, these features solve a problem that is not directly related to the invention.
- The features in claims 6, 10 and 11 are part of the standard practice of persons skilled in the art seeking to solve the stated problem.

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4. INDEPENDENT CLAIM 1B

- 4.1 The present application fails to comply with the requirements of PCT Article 33(1) since the subject matter of claims 1 to 5 and 7 to 9 does not meet the requirement of novelty defined in PCT Article 33(2).

Document D2 describes (the references between parentheses apply to this document):

A winding machine essentially consisting of a frame (2) which in turn comprises at least two spindles (4) attached to a barrel (3), wherein said spindles are both suitable for supporting at least one cake (8) and rotatable (B, C) about a first axis substantially perpendicular to the diameter of the cake, and at least one positioning and guiding device for positioning and guiding at least one yarn (7) over the rotating spindles, and said barrel is rotatably mounted (A) relative to the frame about a third axis of rotation substantially parallel to the first axis, characterised in that the frame co-operates with the barrel by means of an indexing device (*indexing device*) for controlling the position of said barrel relative to the frame (**cf. claim 1B**).

All of the features in claim 1 are also disclosed in documents D1 and D3 to D5.

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Furthermore, document D2 describes all of the features in claims 7 to 9, document D3 describes all of the features in claims 5 and 9, document D4 describes all of the features in claim 3 and document D5 describes all of the features in claim 2.

- 4.2 Claim 6 does not contain any features which, when combined with the features of any one of the claims to which it refers, might comply with the requirements of novelty and inventive step of the PCT (PCT Article 33(2) and (3)), because the features in claim 6 are part of the standard practice of persons skilled in the art seeking to solve the stated problem.

5. **Additional observations**

- 5.1 The term "third axis" in claim 1 is unclear (PCT Article 6) because the "second axis" is defined only in claims 2, 3 and 4.
- 5.2 Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in documents D1 to D5 has not been indicated in the description, nor have these documents been cited.